



2009

# Idaho Forest Practices Year-End Report



*Developed and Submitted by*

***Ara Andrea***

**Service & Regulatory Program Manager**

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### ***Introduction***

The Idaho Forest Practices Act (FPA), which was originally passed into Idaho law in 1974, is a statute that promotes forestry-related operations on Idaho forestlands. The FPA, and the associated administrative Forest Practices Rules, were developed and modified to encourage active forest management, while maintaining and protecting vital forest resources, to help enhance the ecological and social benefits derived from Idaho forestlands. The Best Management Practices (BMPs) defined within the Forest Practices Rules are designed to protect water quality, wildlife habitat and forest health, and to enhance tree growth and vigor. In These BMPs, in part, provide assurance to the Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (DEQ) that Idaho is maintaining and achieving the water quality standards prescribed for the state as harvesting, burning, planting and the transporting of forest products are carried out.

The Idaho Forest Practices Act Advisory Committee (FPAAC) is the body of professionals and concerned citizens charged with providing direction and leadership in the promulgation of new administrative rules, or in the modification of existing rules. The Idaho Department of Lands (IDL) is the agency which is statutorily charged with administering and enforcing the FPA and the Forest Practices Rules.

IDL has a Memorandum of Understanding (MOU) with the Idaho Department of Water Resources (IDWR). Pursuant to the MOU, IDL is granted the authority to permit and inspect stream-channel crossing structures installed as part of a defined forest practice. Each year, IDL provides stream-crossing installation information to IDWR related to these crossings.

Each January, the Forest Practices Program, administered by IDL, collects and compiles data from the previous calendar year to provide land managers, forestry professionals and other interested parties an overall picture of the forest practices inspection activities that have occurred on *privately owned* forestlands. In 2009, IDL developed a new Forest Practices database, tracking Forest Practices inspection activities statewide; this database collects data at the Bureau of Forestry Assistance level. The Bureau of Forestry Assistance also initiated a spreadsheet to collect and track all Forest Practices and Service Forestry activities carried out by IDL's Private Forestry Specialists (PFSs) and seasonal personnel statewide. The information recorded in these two databases provides the bulk of the data reflected in this 2009 report. The Stream Channel Alteration Permit (SCAP) activities were recorded by each PFS and year-end SCAP data was sent to the Bureau upon request.

Every four years, DEQ administers and carries out an audit of sites containing Class I streams and recently completed harvesting operations. During the summer of 2008, this audit was conducted on 43 sites including industrial private, nonindustrial private, state, and Forest Service ownerships. Each operational area was inspected to check compliance with Forest



Practices Rules and to observe corresponding observable effects on water quality. Overall, the audit revealed that compliance rates were generally very high. The audit report has been completed by DEQ and can be found at this site:

[http://www.deq.idaho.gov/water/data\\_reports/surface\\_water/monitoring/forest\\_practices\\_water\\_quality\\_audit\\_2008.pdf](http://www.deq.idaho.gov/water/data_reports/surface_water/monitoring/forest_practices_water_quality_audit_2008.pdf)

Severe declines in timber harvesting continued in 2009 as a result of diminishing markets. As a result, several more timber and pulp mills closed, which made harvesting operations on some forestlands unprofitable. Notification numbers give an overall picture of the decline of forest practices which occurred on Idaho forestlands in 2009; IDL's records show that there was a 43.4% decrease in submitted Notifications/Compliances from 2008 to 2009 on state and private forestlands.

During the summer of 2009, IDL conducted an audit on 19 operational areas. This internal audit examined site characteristics on operations containing Class II (non-fish-bearing) streams. These sites consisted of steep side-sloped areas, predominantly clearcut, that posed a challenging management concern to forest managers planning to implement a prescribed burn following the clearcut. The challenge was ensuring compliance with Rule 030.07.e.vi., which requires 140, 3-7.9-inch DBH retained trees, on each side of the Class II stream within the Stream Protection Zone, *during and after* the operation. The audit reflects a variety of sites and a variety of post-treatment conditions. Notable rule infractions were observed in several areas which had been burned, however, overall audit findings show generally good rule compliance rates in these audited areas. The initial audit findings have already lead to an agency-internal training; the Hazard Management Workshop is being given in three locations throughout the state, a training specifically designed to incorporate Forest Practices, Fire and Forest Management (endowment-land management) into a planning process. Upon completion, the audit report will be available on the IDL website, listed on the *Bureau of Forestry Assistance* web page, under the *Forest Practices Act* heading.

Additional challenges to the Bureau of Forestry Assistance were presented in 2009 as a result of declining budgets. Due to attrition and retirements, several Forest Practices personnel positions were vacated, with no ability to re-fill these vacancies. At the start of 2009, IDL employed 14 PFS positions and eight seasonal/temporary positions, all providing Forest Practices inspections across the state. As of June, 2010, IDL will have 8 full-time PFSs on staff, assisted by six seasonal Forest Practices inspectors.

## Forest Practices Notifications

### Private and State Lands—Notification and Compliance Submissions

Before commencing any rule-defined *forest practice* (commercial or non-commercial) on private timberlands, an *Operator* (responsible for the forest-practice implementation and compliance with Forest Practices Rules) must file a Forest Practices Notification (Notification); non-commercial forest practices require the submission of a Notification unless the harvested wood will be solely used for the landowner's/harvester's personal use. If the forest practice is a commercial operation, then a Hazard Management Agreement (Compliance) must also be submitted, and the operation must be inspected and cleared following harvesting and site-preparation operations. In 2008, a clarification was made requiring that the *Operator* sign the Notification, confirming that the signatory is aware of the responsibility and liabilities involved as the legally responsible *Operator*. Likewise, if the forest practice is a commercial operation, a *Contractor* (responsible for rule-compliant slash management) must sign and take responsibility for appropriate slash management at the end of the operation. The Notification and the Compliance are both contained in the same one-page form.

The total number of Notifications/Compliances submitted statewide in 2009, on **both private and state lands**, is 1282, down from 2266 Notifications/Compliances submitted in 2008, and severely down from the 3517 Notifications/Compliances submitted in 2007. This constitutes a 43.4% decrease in submissions from 2008 to 2009, a 63.5% decrease from 2007 to 2009, and a 74.9% decrease from the 5108 Notifications submitted one decade ago, in 1999. These numbers include all *commercial* operations in which a Forest Practices Notification and Compliance were submitted. *Table 1* shows a breakout of Notifications/Compliances submitted in Calendar Years 2005 through 2009, broken out by IDL **Fire Protection Districts** (not by IDL Supervisory Areas).

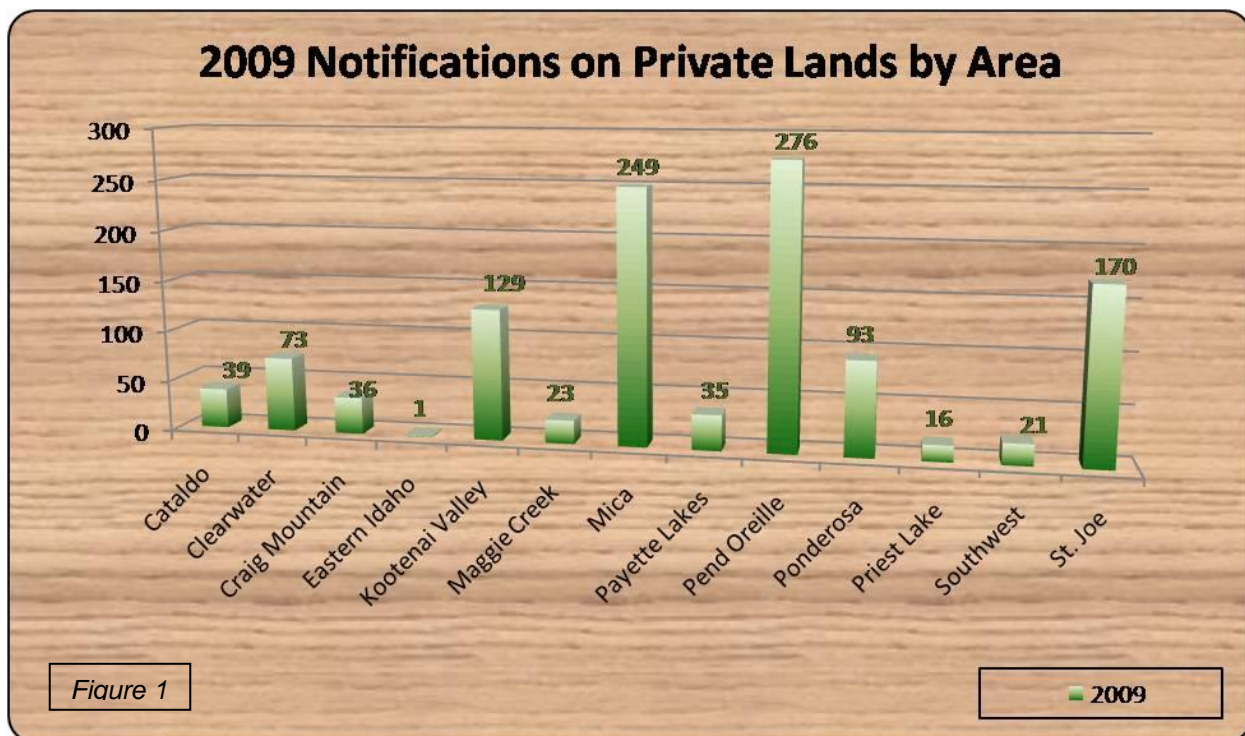
| Fire District   | 2005        | 2006        | 2007        | 2008        | 2009        |
|-----------------|-------------|-------------|-------------|-------------|-------------|
| Priest Lake     | 99          | 80          | 109         | 75          | 39          |
| Kootenai Valley | 365         | 369         | 336         | 295         | 111         |
| Mica            | 624         | 532         | 598         | 377         | 195         |
| Pend Oreille    | 1019        | 775         | 884         | 578         | 295         |
| Cataldo         | 176         | 164         | 189         | 89          | 60          |
| St. Joe         | 627         | 576         | 493         | 321         | 210         |
| Ponderosa       | 237         | 234         | 255         | 157         | 71          |
| Maggie Creek    | 134         | 109         | 106         | 62          | 27          |
| Craig Mountain  | 103         | 117         | 120         | 61          | 49          |
| Southwest       | 61          | 72          | 50          | 21          | 25          |
| Eastern Idaho   | 9           | 9           | 16          | 9           | 3           |
| SITPA           | 157         | 107         | 102         | 46          | 35          |
| CPTPA           | <u>338</u>  | <u>301</u>  | <u>259</u>  | <u>175</u>  | <u>162</u>  |
| <b>TOTAL</b>    | <b>3949</b> | <b>3445</b> | <b>3517</b> | <b>2266</b> | <b>1282</b> |

**Table 1.** Total Forest Practices Notifications/Hazard Management Agreements (Compliances) Submitted Each Year, 2005-2009, including operations conducted on both state and private forestlands.



## Private Lands—Notification Submissions

The total number of (Forest Practices) Notifications submitted on **private lands** for 2009 is **1161**. These include all *commercial operations*, *non-commercial operations which generate slash*, and *cost-shared activities* which constitute a *forest practice*. Notifications totaled in this **private lands** category include operations conducted on industrial and non-industrial private forestlands. *Figure 1* shows the 2009 submitted Notifications on private lands, broken out by IDL **Supervisory Areas** (the Areas in which PFSs administered and inspected these operations).



## Forest Practices Inspection Reports

Once the Forest Practices Notification is on file in the local IDL Area Office, the Private Forestry Specialist begins the process of scheduling on-site inspections. The general goal is to inspect at least 50% of all of the forest-practice operations that have a Notification on file. Inspections may be performed multiple times on the same operation, depending on the observed site conditions and/or upon request of the *Operator* or landowner. Notifications indicating the presence of a Class I stream in, or adjacent to, the operational area trigger the PFS to conduct inspections on those areas at a higher priority.

Figure 2 shows a comparison of the total number of 2008 and 2009 Forest Practices inspections performed, and also the break down of those inspections into satisfactory reports (inspection reports indicating compliance with all inspected rules) and unsatisfactory reports (inspection reports indicating an infraction of at least one rule). Figure 2 shows that, within these performed inspections, the total number of resulting inspection reports that contained all-satisfactory conditions was 1410 (*Total Satisfactory Reports*), showing that 97.2% of the inspections performed were in total compliance with the Forest Practices Rules (including sites that were found satisfactory in subsequent inspections after they were brought into full compliance through remediation). This total encompasses all performed on-site inspections, including inspections performed multiple times on the same operation. Within these 1410 performed inspections, the number of inspections that resulted in reports indicating at least one unsatisfactory condition totaled 40, 2.8% of the total inspections performed, a decrease from the 3.6% unsatisfactory-inspection rate in 2008.

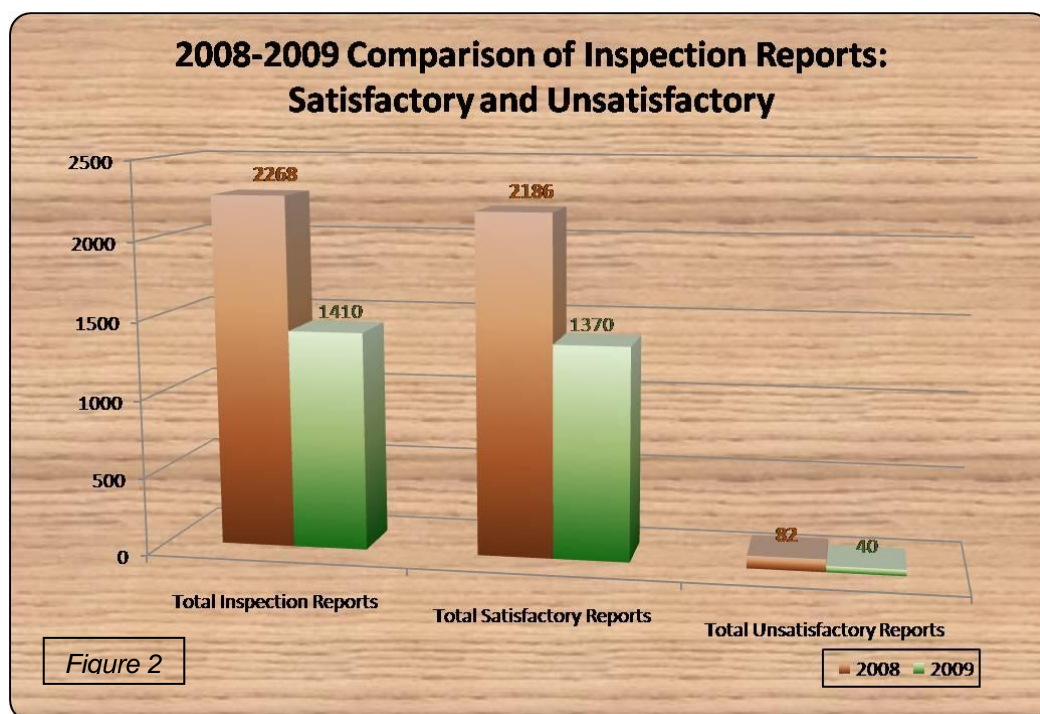
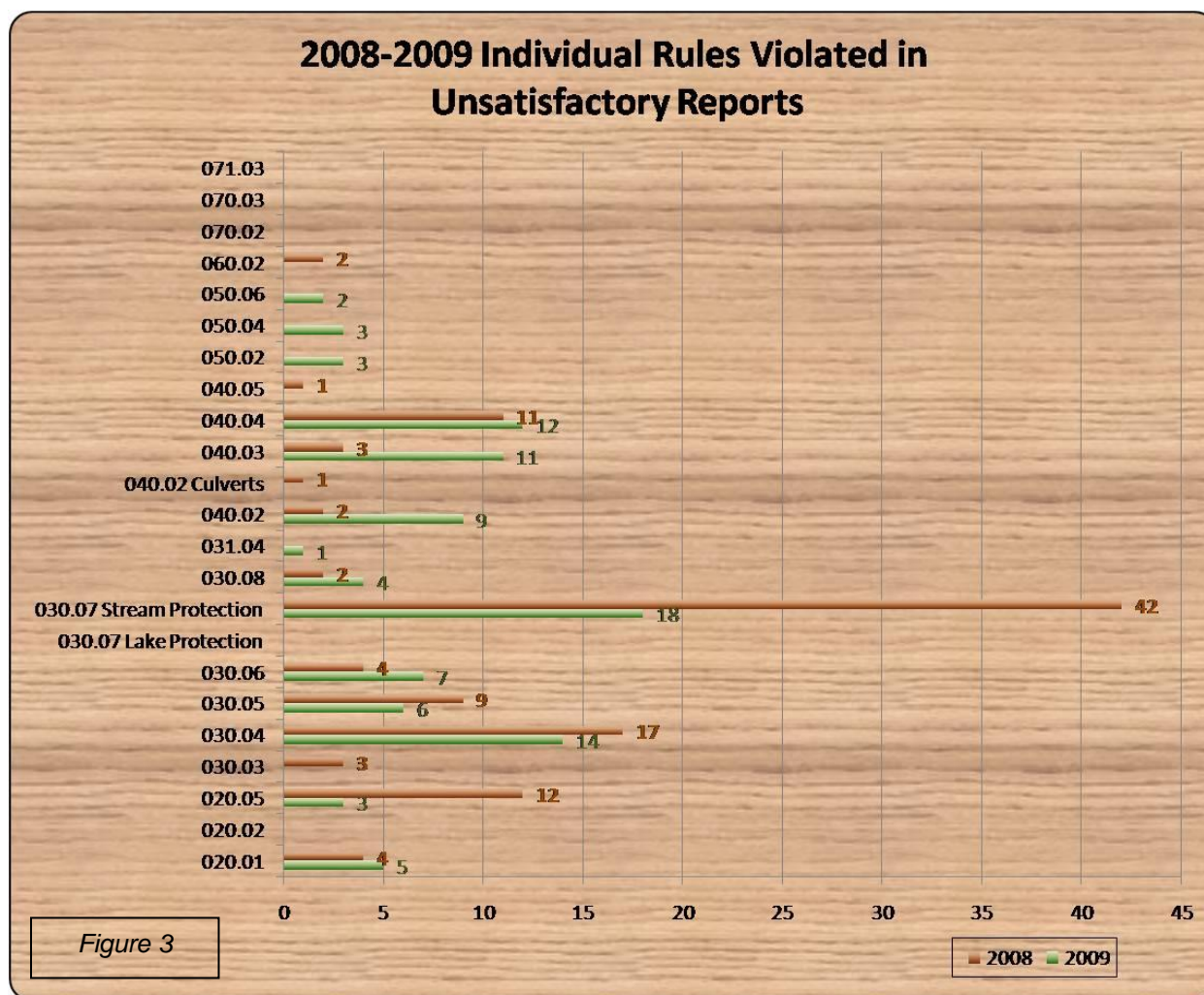


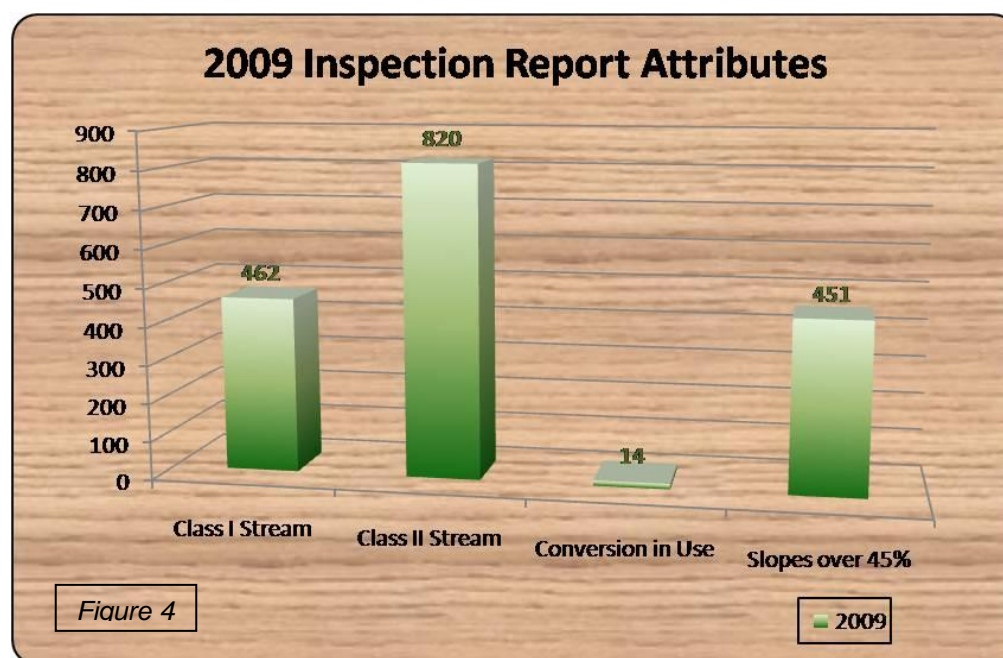
Figure 3 shows the frequency and types of individual rules that were violated in these *unsatisfactory* reports. (To see the individual administrative rules listed, visit this site to view the Forest Practices Rules: <http://adm.idaho.gov/adminrules/rules/idapa20/0201.pdf>) The rule infractions reflected in these unsatisfactory-condition issuances are more evenly dispersed across multiple rules (than in previous years). The number of stream-protection rules infringed decreased significantly from 42 in 2008 to 18 in 2009, and further decreased from the 45 infringed stream-protection rules issued in 2007. The infractions of these stream-protection rules (rules listed under Rule 030.07) are predominantly activities in which there was unlawful

use of equipment in the Stream Protection Zone and/or unauthorized use of an existing road or skid trail within the Stream Protection Zone. There was a marked reduction of unsatisfactory conditions indicating an infraction of the Notification-submission rules (Forest Practices Rule 020.05) and a slight decrease in the number of observed infractions of the 030.04 Rule (skid trails and landings used/located in the Stream Protection Zone without an issued variance). Generally, infractions of the 020.05 rule indicate that the Operator submitted a Notification with inaccurate information, or with omitted site characteristics (e.g., the presence of a Class I stream).





Of the 1410 inspections, 462 (33%) were performed on operational areas containing a Class I stream (fish-bearing or domestic-water supplying). Approximately 58% of the 2009 inspections were conducted on sites with Class II streams in or adjacent to the forest-practice operation. 451 (32%) of the inspections occurred on operations containing steep slopes, and 14 of the inspections indicated that a conversion in land use was occurring in, or around, the operational area. Looking at these data, it is important to realize that it is not unusual for one operational area to contain both Class I and Class II streams, as well as steep slopes. *Figure 4* exhibits these site attributes of the inspected areas.



### *Individual Operations Inspected*

The total number of inspection reports includes repeat and follow-up inspections on the same operation; there were actually 1008 **distinct operations** (forest practices) that were inspected in 2009. A comparison of distinct *operations* inspected in 2008 and 2009 is shown in *Figure 5*. Approximately 88.6% of all operations received at least one inspection in 2009, far exceeding IDL's statewide goal of inspecting 50% of the operations with a Notification on file, and exceeding last year's inspection rate of 76%. (*Note: Many of the 2009 inspections were performed on sites with Notifications submitted in previous years, and many of the late-year Notifications did not receive inspections until after the start of 2010. However, this year-to-year carry-over remains somewhat constant over the years, and IDL consistently looks at the number of inspected operations compared to the total number of notifications submitted.*)

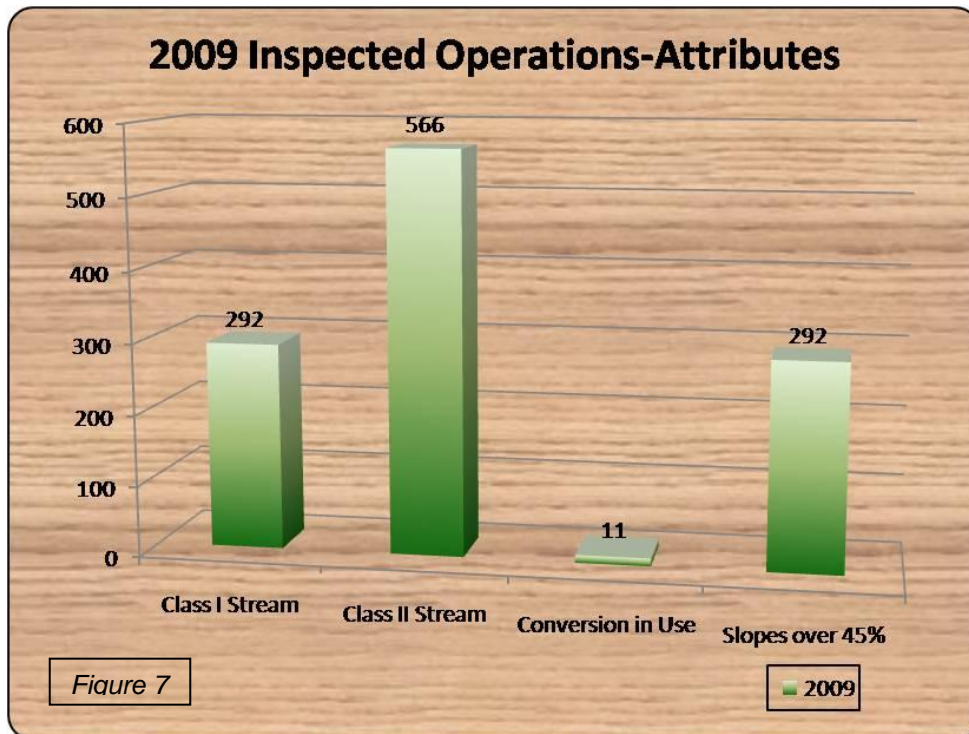




Of these 1008 total distinct operations receiving at least one inspection, 982 (97.4%) received inspection reports in which all aspects of the operation were deemed *satisfactory* and in compliance with the Forest Practices Rules. Only 26 operations received at least one inspection report in which at least one *unsatisfactory condition* (rule infraction) was issued (Figure 6).

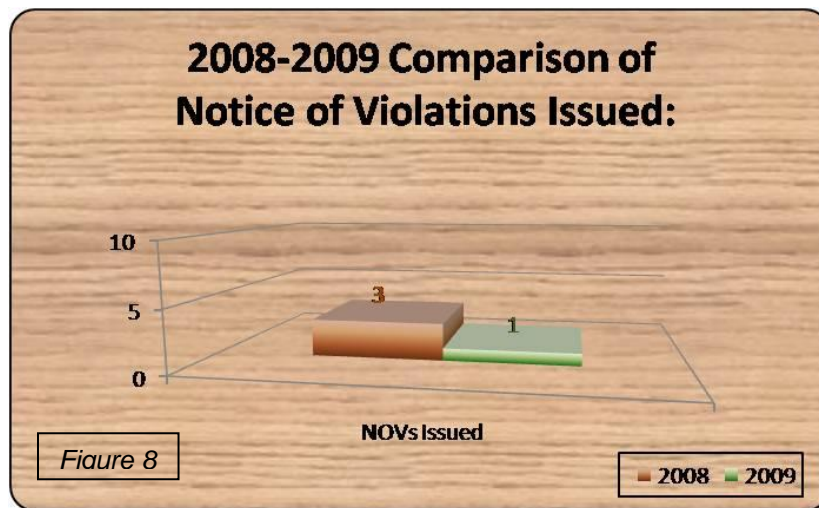


With IDL's continuing prioritization of inspecting operations containing Class I streams, *Figure 7* shows the number of inspected *operations* being performed in an area containing (or adjacent to) a Class I stream. Of the 1008 total (distinct) *operations* inspected, 292 (29%) of the operational areas contained a Class I stream, 566 contained a Class II stream, 11 indicated a conversion in land use, and 292 contained steep slopes (any one operational area may have contained several of these site characteristics).



## Notices of Violation

A Notice of Violation (NOV) is issued when repeated unsatisfactory conditions and/or severe resource degradation are observed during an inspection. In 2009, only one NOV was issued, a decrease from three NOVs issued in 2008 and seven NOVs issued in 2007 (*Figure 8*).



*Figure 9* shows the specific violations of Forest Practices Rules which brought about the issued NOVs in 2008 and 2009 (one issued NOV may contain more than one violated rule). The rules that were violated in the single 2009 NOV issuance centered, predominantly, around serious stream-channel degradation which resulted from unlawful decking and skidding within a Stream Protection Zone.

## 2008-2009 NOV Individual Rules Violated

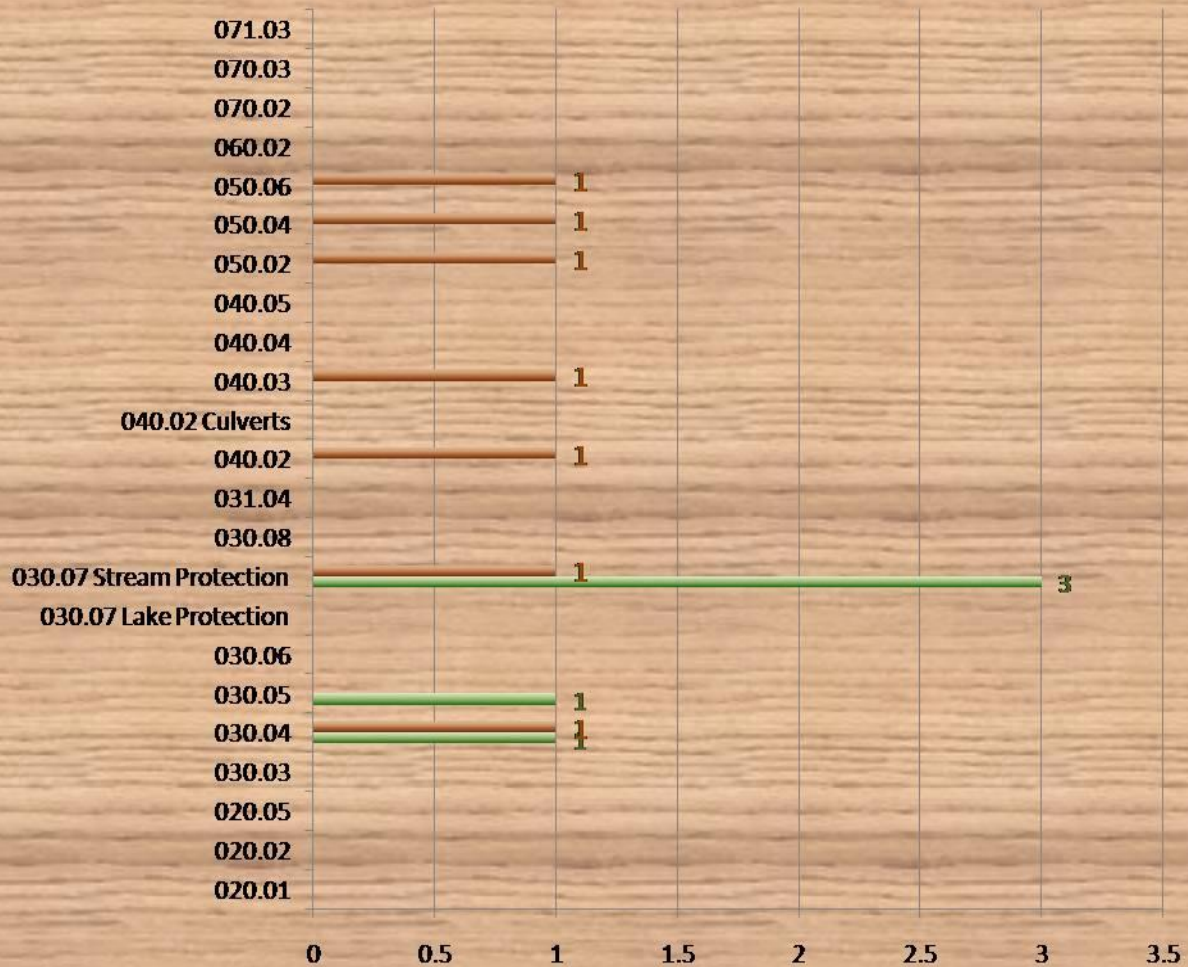


Figure 9

2008 2009



## Complaints Made to IDL

While operations are commencing on private lands, neighboring landowners, individuals from nearby communities or interested organizations infrequently voice concerns or complaints to personnel at their local IDL Area Offices. These complaints are fielded and addressed by IDL Private Forestry Specialists. Complaints range from perceptions of resource degradation to concerns over aesthetics. The Private Forestry Specialists analyze each complaint and decide whether or not the complaint can be addressed by checking compliance with the Forest Practices Rules; if so, a site visit is performed. Sixty-seven (67) FPA-related complaints were fielded by Private Forestry Specialists in 2009 (*Figure 10*).



## Variances

IDL may grant a *variance* when an *Operator* demonstrates that acting under a modification of a Forest Practices Rule is necessary to successfully complete a forest practice. A variance is granted when, in the course of carrying out a forest practice, it is shown that an activity done in non-compliance with a rule will result in less or equal resource damage than operating within full compliance with the rules. Each variance request is carefully analyzed by an IDL Private Forestry Specialist. A final decision regarding the granting of a *variance* is made by the IDL Area Manager after consulting with the Private Forestry Specialist. *Figure 11* shows a 2008-2009 comparison of the number of variances granted statewide.

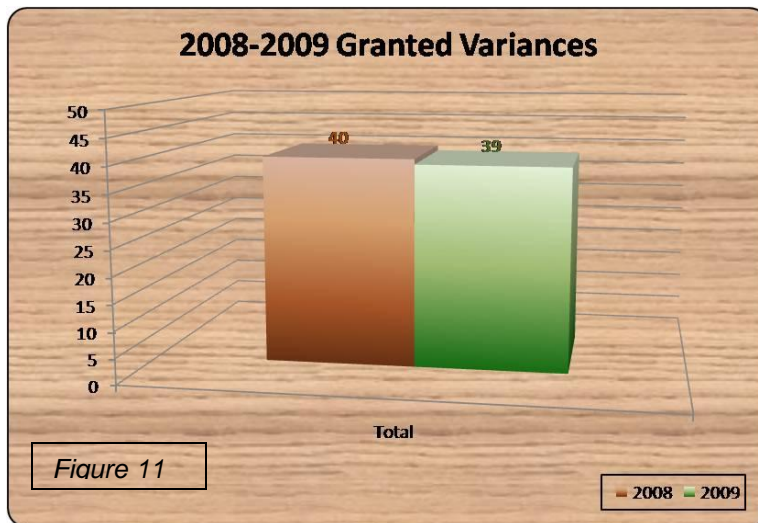
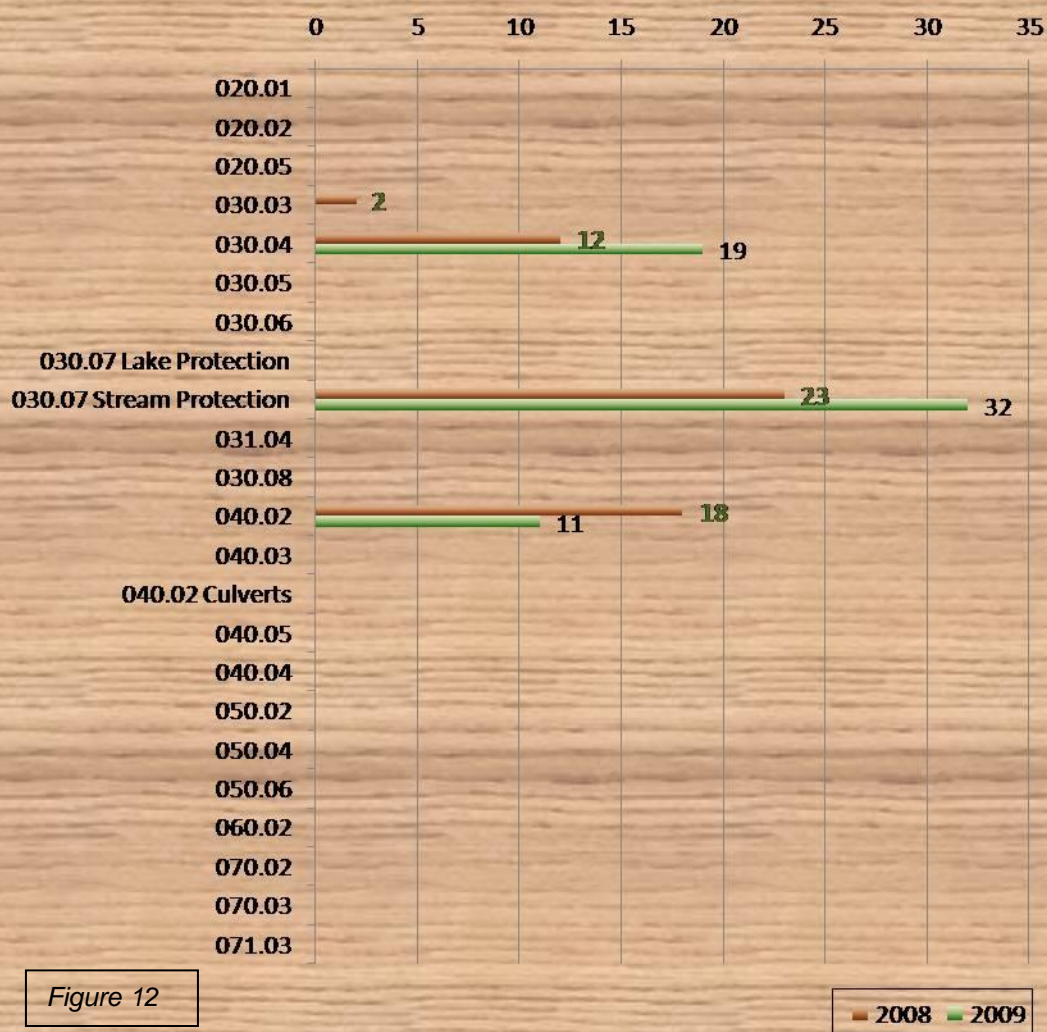


Figure 12 illustrates the types of rules from which variances were requested. Most of these requests for variances deal with the desire to use existing trails or roads within a Stream Protection Zone. Variances of this nature were only granted if it was demonstrated to IDL that use of existing roads or skid trails (within the protected riparian area) would result in no additional degradation to the soils, water quality and fish habitat within the watershed, and that the use of these trails (or roads) would result in significantly less sediment delivery than constructing new transportation systems outside of the Stream Protection Zone.

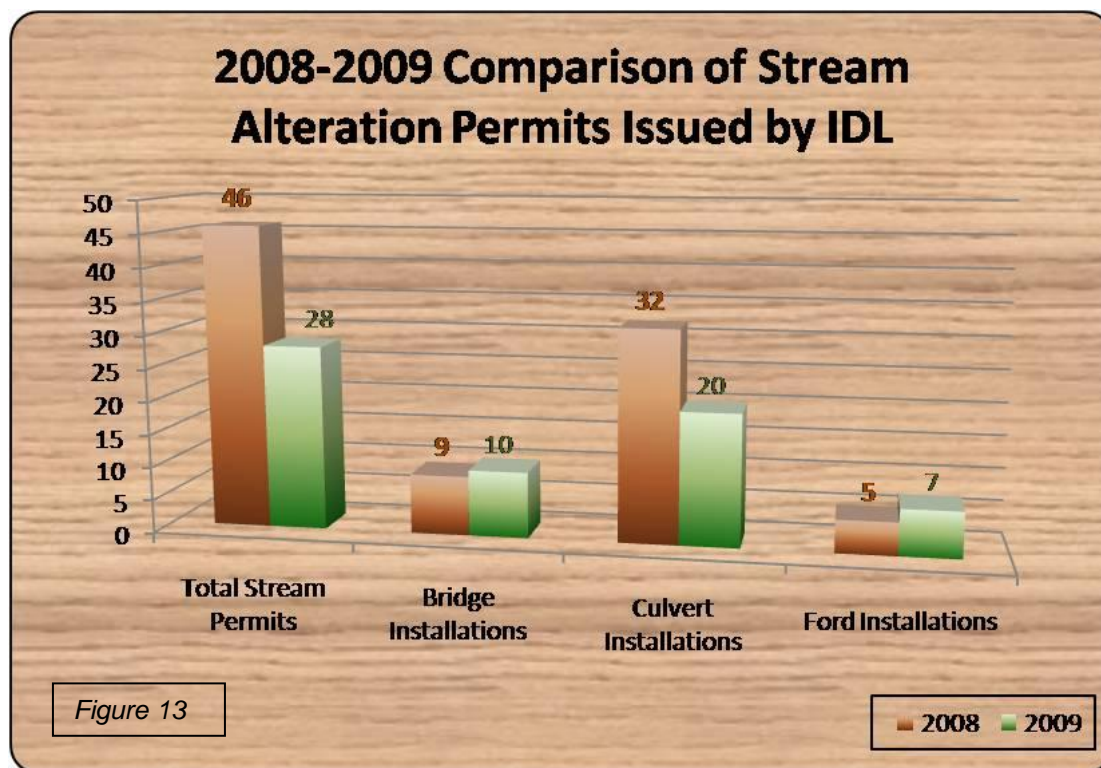
## 2008-2009 Forest Practices Variances Granted

### *Individual Rules for which Variances were Granted*

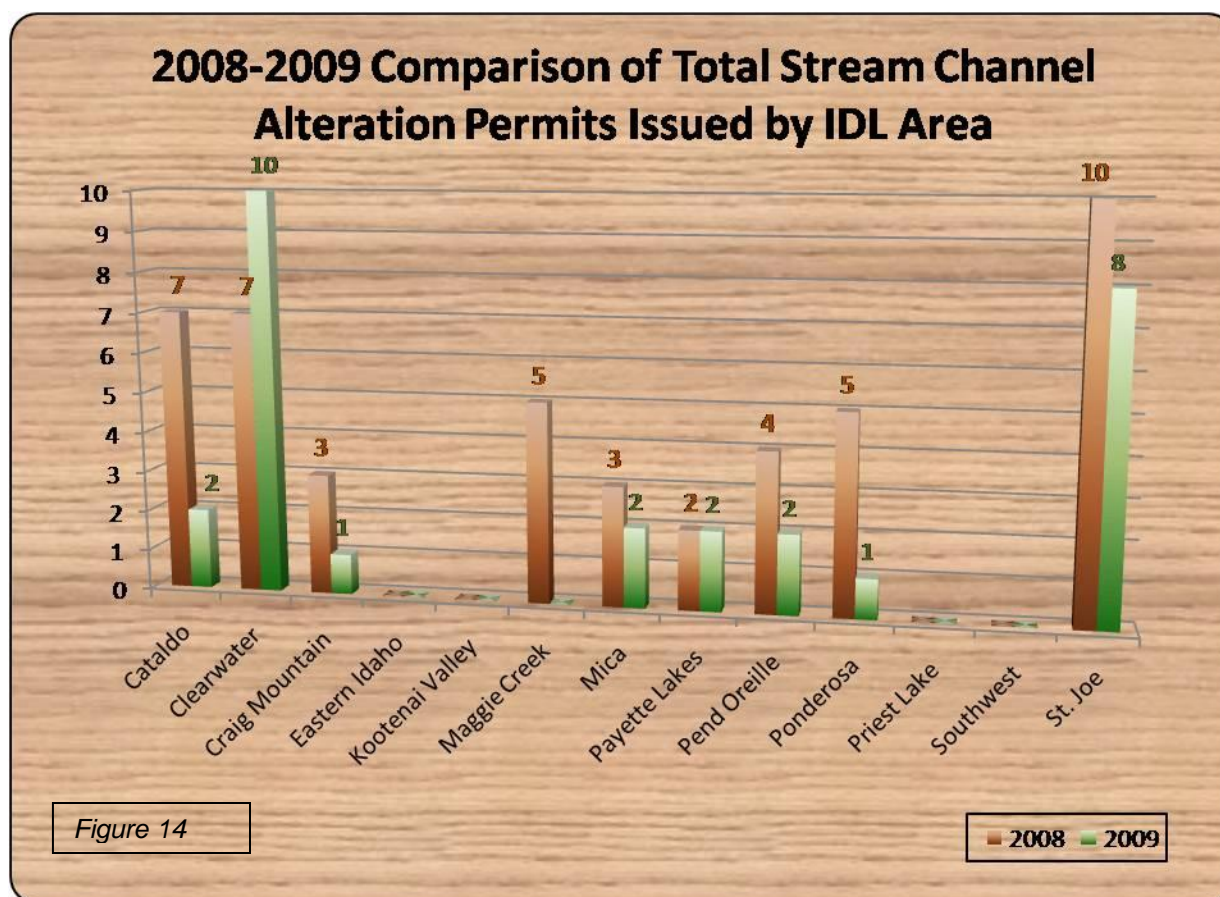


### Stream Channel Alteration Projects Administered by IDL

In accordance with the MOU between IDL and IDWR, IDL Private Forestry Specialists have the authority to approve and administer applications for culvert, bridge and ford installations and removals on private lands, so long as the stream-channel alteration projects are part of a defined *forest practice*, the stream is perennial, and the stream-crossing structures meet certain size limitations and installation criteria. *Figure 13* shows a 2008-2009 comparison of IDL-administered stream-channel-crossing permits for installations on private lands, sorted by stream-crossing structure type. *Figure 14* shows a comparison of these installation permits broken down by IDL Area Office.







## Summary

The Forest Practices inspections conducted in 2009 reveal strong compliance with the Idaho Forest Practices Rules, and continued improvement in rule-compliance rates. Most notably, there was only one Notice of Violation (NOV) issued in 2009, a considerable decrease from the three NOVs issued in 2008, and the seven NOVs issued in 2007. This decrease reveals a significant improvement rate to watch since NOVs represent issuances under which significant on-the-ground resource damage has occurred. A majority of the Operators conducting harvesting operations across the state are successfully implementing rule-compliant forestry-related activities. This continued high rate of compliance helps ensure that Idaho can continue to enjoy a thriving forest-practices industry in an overall environment of premium water quality and protected natural resources.